

**United States District Court
Eastern District of Missouri**
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, Missouri 63102

Nathan M. Graves
Clerk of Court

314-244-7904

**PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULES AND PATENT RULES**

October 7, 2025

The United States District Court for the Eastern District of Missouri is issuing proposed local rules and patent rules for public comment. Clean and track change versions of the rules are available. You may contact the Clerk of Court at 314-244-7904, or by e-mail at MOEDml_ExecTeam@moed.uscourts.gov, with any questions, comments, or proposed changes you may have.

A summary of the changes is provided in this Notice. Public comment is open through November 6, 2025. Comments will be considered by the Court after the public comment deadline. The proposed effective date for these amendments is December 15, 2025.

The Court expresses its gratitude to the Federal Practice Committee and to the Subcommittee on Patent Rules for their careful consideration and valuable input regarding the proposed rule changes and recognizes the members of each for their contributions and exemplary work:

Federal Practice Committee: John Kingston-Chair, Mohammed Ahmed, Peter Dunne, Jim Guest, Shaun Hanschen, John Hark, Amanda Hettinger, Jennifer Hoekel, Ron Norwood, JC Pleban, Barbara A. Smith, and Jacob Zimmerman

Subcommittee on Patent Rules: Tony Simon and Jennifer Hoekel-Chairs, Ben Clark, Michael Hartley, Bridget Hoy, Daisy Manning, Rudy Telscher, and Marc Vander Tuig

Rule 2.09 Disclosure Statements and MOED Form 1 – Current Rule 2.09 and MOED Form 1 apply only to civil cases. Amendments propose to expand the rule to include criminal cases and the requirements of national rules requiring a nongovernmental corporate party to identify “any parent corporation and any publicly held corporation owning 10% or more of its stock.” Fed. R. Crim. P. 12.4(a)(1). Fed. R. Crim. P. 12.4(a)(2) applies to organizational victims that are corporations and requires the same information. This rule change would include an updated MOED form.

Rule 3.01 Federal Rules of Civil Procedure 26 – Section (C) added to note the development and approval of a Model Civil Protective Order for use by attorneys in civil proceedings. See also Model Civil Protective Order.

Rule 6.03 Neutrals – On recommendation of the ADR Committee at their September 2024 meeting, the committee proposed to amend Rule 6.03 to indicate that a neutral must maintain an active law license and remain in good standing to keep certification in this District.

Rule 12.01 Attorney Admission – Removal of the parenthetical requirement in Registration Numbers to conform with practice of the Court and removal of special characters for CM/ECF Reports.

Patent Rules

- **Rule 1-2 Scope and Construction** – Section (b) amended to improve the grammar.
- **2-1 Governing Procedure** – Section (e) amended to improve the grammar.
- **2-2 Confidentiality** – Clarifies use of confidential information.
- **2-3 Relationship to Federal Rules of Civil Procedure** – Removal of parenthetical to comport with current Rule 26; (b) and (c) amended to remove mention of counter-invalidity contentions in conformity with the elimination of all counter contentions in the Patent Rules.
- **2-4 Certification of Disclosures** – Added to clarify that filings required by Local Rule will be signed by counsel of record and subject to the requirements of FRCPs 11 and 26(g).
- **3-1. Disclosure of Asserted Claims and Preliminary Infringement Contentions** –
 - Section (a) (iv) amended to add requirements for providing additional information for claim elements pursued under the Doctrine of Equivalents.
 - Previous Section (a)(vi) deleted to account for the America Invents Act (“AIA”) and its new requirements.
 - Replacement Section (a)(vi) added to require certain information for patents that are not subject to the AIA.
 - Section (a)(vii) amended to improve clarity.

- **3-2. Document Production Accompanying Disclosure of Asserted Claims and Preliminary Infringement Contentions**
 - Section (a) amended to clarify the requirements for production of documents to demonstrate any disclosure, offer to sell, or sale of an item related to the claimed invention before the patent application date, or any earlier date specified by Local Patent Rule 3-1(vi).
 - Section (b) amended to eliminate production of documents related to conception, reduction to practice, design and development of the claimed invention that are before the application or priority date of the application to instead require production of evidence of its priority date for any non-AIA patent.
 - Section (d) added to require documents evidencing ownership of the patents-in-suit.
 - Section (e) added to require production of any patent licenses.
 - Section (f) added to require production of documents to demonstrate operation of any instrumentalities of Patent Owner that it contends practices the claims and the patent marking of any such instrumentalities.
 - Section (g) added to require any documents reflecting any F/RAND obligation with respect to the patent in suit.
- **3-3. Preliminary Counter-Infringement Contentions** eliminated in its entirety. Any counter contentions would be handled through normal discovery.
- **3-3. Preliminary Invalidity Contentions**
 - Previous Rule 3-4(a) amended to account for contention requirements specific to either pre or post AIA patents. Specifically, for prior use under 35 U.S.C. § 102(a) or (b), or on-sale activity under 35 U.S.C. § 102(b), each alleged sale or public use must be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity which made the use or offer, or the person or entity to whom the information was made known. For pre-AIA claims, prior art under 35 U.S.C. § 102(f) must be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. For pre-AIA claims, prior art under 35 U.S.C. § 102(g) must be identified by providing the identity of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s).
 - Section (c) amended to state the correct statute reference under the AIA.
 - Section (d) amended to include the requirement of any grounds of invalidity under 35 USC § 101, to account for correct statute numbers under the AIA, and to eliminate the need to provide grounds for “failure to describe the best mode” as this invalidity ground was eliminated under the AIA.
- **3-4. Document Production Accompanying Preliminary Invalidity Contentions**
 - Previous Rule 3-5(c) added to require certain financial documents be produced in conjunction with preliminary invalidity contentions and to address the elimination of Counter Invalidity Contentions.

- **3-6. Final Contentions**
 - Previous Rule 3-5(a) eliminates Final Counter-Infringement Contentions.
 - Section (c) eliminates Counter-Invalidity Contentions.
- **3-7. Amendment to Contentions**
 - Previous Rule 3-6 amended to eliminate mention of Final Counter-Infringement Contentions.
- **4-2. Exchange of Preliminary Claim Constructions and Extrinsic Evidence**
 - Section (b) amended to allow a party 30 days to identify a fact or expert witness should the opposing party identify an expert in its Preliminary Claim Construction exchange and to require final expert reports to accompany the Joint Prehearing Statement.
- Formatting and stylistic changes appear throughout.